

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

GLEN DALE HAMMON,)
vs. Petitioner,)
CARL BEAR,)
Respondent.)

NO. CIV-17-0201-HE

ORDER

Petitioner Glen Dale Hammon, a state prisoner appearing *pro se*, filed this action seeking habeas relief. Consistent with 28 U.S.C. §636(b)(1)(B), the matter was referred to Magistrate Judge Shon T. Erwin for initial proceedings. The magistrate judge has recommended that the action be dismissed without prejudice due to petitioner's failure to comply with his order directing petitioner by March 20, 2017, to pay the filing fee of \$5.00 or obtain leave to proceed without prepayment of fees.¹ Dismissal also is warranted, the magistrate judge concluded, due to petitioner's failure to submit a notice of change of address to the clerk of court. The magistrate judge noted that mail addressed to petitioner is being returned as undeliverable and that under the local rules petitioner is responsible for notifying the court of any address changes. *See* LCvR5.4(a).

Petitioner has not made the required payment, requested an extension of time within which to pay, demonstrated good cause for his failure to pay or sought leave to proceed *in forma pauperis*. He also failed to object to the Report and Recommendation and, therefore,

¹ Petitioner was advised that if he failed to cure the deficiency, the action might be dismissed without prejudice.

waived his right to appellate review of the factual and legal issues it addressed. Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010); *see* 28 U.S.C. § 636(b)(1)(C).

Accordingly, the court **ADOPTS** the Report and Recommendation of Magistrate Judge Erwin and dismisses this action without prejudice.

IT IS SO ORDERED

Dated this 22nd day of May, 2017.



JOE HEATON
CHIEF U.S. DISTRICT JUDGE